

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RON FELDMAN,

Plaintiff(s),

-against-

UNITED PARCEL SERVICE, INC., GARY WEISS
INC., & GARY WEISS,

Defendant(s).

X

Index No.06 CV2490

ANSWER

X

Defendant, GARY WEISS, INC., and GARY WEISS, by its attorney PETER S. GORDON, ESQ. of GORDON & GORDON, P.C., as and for it Answer to the Verified Complaint of Ron Feldman, state and alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "1"
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "4"
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5"
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "8"
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "9"
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "11"
7. Defendant, GARY WEISS & GARY WEISS INC., denies the allegation in paragraph "12"
8. Defendant, GARY WEISS & GARY WEISS INC, denies the allegation in paragraph "13"

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "14"
10. Denies the allegations contained in paragraph "15"
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "16"
12. Denies the allegations contained in paragraph "17"
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "18"
14. Denies the allegations contained in paragraph "19"
15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "20"
16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "21"
17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "22"
18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "23"
19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "24"
20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "25"
21. Denies the allegations contained in paragraph "26"
22. Denies the allegations contained in paragraph "27"

23. Denies the allegations contained in paragraph "28"
24. Denies the allegations contained in paragraph "29"
25. Denies the allegations contained in paragraph "30"
26. Denies the allegations contained in paragraph "31"
27. Denies the allegations contained in paragraph "32"
28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "33"
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "34"
30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "35"
31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "36"
32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "37"
33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "38"
34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "39"
35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "40"
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "41"

37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "42"
38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "43"
39. Denies the allegations contained in paragraph "44"
40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "46"
41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "48"

AS AND FOR A FIRST CAUSE OF ACTION

42. Defendants, Gary Weiss and Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "50" of the complaint.
43. Denies the allegation contained in paragraph "51"
44. Denies the allegation contained in paragraph "52"
45. Denies the allegation contained in paragraph "53"
46. Denies the allegation contained in paragraph "54"
47. Denies the allegation contained in paragraph "55"
48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "56"
49. Denies the allegation contained in paragraph "57"
50. Denies the allegation contained in paragraph "58"

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "59"
52. Denies the allegation contained in paragraph "60"
53. Denies the allegation contained in paragraph "61"
54. Denies the allegation contained in paragraph "62"
55. Denies the allegation contained in paragraph "63"
56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "64"
57. Denies the allegation contained in paragraph "65"
58. Denies the allegation contained in paragraph "63"
59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "64"
60. Denies the allegation contained in paragraph "65"
61. Denies the allegation contained in paragraph "66"
62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "67"
63. Denies the allegation contained in paragraph "68"
64. Denies the allegation contained in paragraph "69"
65. Denies the allegation contained in paragraph "70"

AS AND FOR THE SECOND CAUSE OF ACTION

66. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in

answer to paragraph "71" of the complaint.

67. Denies the allegations contained in paragraph "72"
68. Denies the allegation contained in paragraph "73"
69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "74"
70. Denies the allegation contained in paragraph "75"
71. Denies the allegation contained in paragraph "76"
72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "77"
73. Denies the allegation contained in paragraph "78"
74. Denies the allegation contained in paragraph "79"
75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "80"
76. Denies the allegation contained in paragraph "81"
77. Denies the allegation contained in paragraph "82"
78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "83"
79. Denies the allegation contained in paragraph "84"
80. Denies the allegation contained in paragraph "85"
81. Denies the allegation contained in paragraph "86"

AS AND FOR THE THIRD CAUSE OF ACTION

82. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial

hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "87" of the complaint.

83. Denies the allegation contained in paragraph "88"
84. Denies the allegation contained in paragraph "89"
85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "90"
86. Denies the allegation contained in paragraph "91"
87. Denies the allegation contained in paragraph "92"

AS AND FOR THE FOURTH CAUSE OF ACTION

88. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "93" of the complaint.
89. Denies the allegation contained in paragraph "94"
90. Denies the allegation contained in paragraph "95"
91. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "96"
92. Denies the allegation contained in paragraph "97"
93. Denies the allegation contained in paragraph "98"
94. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "99"
95. Denies the allegation contained in paragraph "100"
96. Denies the allegation contained in paragraph "101"

97. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "102"

AS AND FOR THE FIFTH CAUSE OF ACTION

98. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "103" of the complaint.

99. Denies the allegation contained in paragraph "104"

100. Denies the allegation contained in paragraph "105"

101. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "106"

102. Denies the allegation contained in paragraph "107"

103. Denies the allegation contained in paragraph "108"

104. Denies the allegation contained in paragraph "109"

AS AND FOR THE SIXTH CAUSE OF ACTION

105. Defendants, Gary Weiss & Gary Weiss Inc., repeats and reiterates each and every denial hereinbefore made with the same force and effect though the same were set forth herein in answer to paragraph "110" of the complaint.

106. Denies the allegation contained in paragraph "111"

107. Denies the allegation contained in paragraph "112"

108. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph "113"

109. Denies the allegation contained in paragraph "114"

110. Denies the allegation contained in paragraph "115"

111. Denies the allegation contained in paragraph "116"

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

1. Plaintiff has failed to include in the complaint a necessary party.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

1. Plaintiff had no privity with defendants Gary Weiss, Inc., and Gary Weiss.

WHEREFORE, Defendant prays that the complaint is dismissed in its entirety.

Dated: May 16, 2006
Forest Hills, NY



GORDON & GORDON, ESQS.
PETER S. GORDON, ESQ. {0068PSG}
Attorney for all Defendants
Gary Weiss, Inc. & Gary Weiss
108-18 Queens Blvd.
Forest Hills, NY 11375
(718) 544-7070

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AFFIDAVIT OF
SERVICE

STATE OF NEW YORK }
 }ss.:
COUNTY OF QUEENS }

I, DAISY QUINONES, being duly sworn, deposes and says:

I am not a party to this action; I am over 18 years of age and reside at the County of KINGS, State of New York.

That on May 16, 2006, I served a true copy of demand for ANSWER in the above-indicated action in the following manner:

By mailing a copy of same, in a sealed envelope, with postage pre-paid thereon, in a post office or official depository under the care and custody of the United States Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

To: Stephen P. McLaughlin, Esq. (SPM 4136)
DLA Piper Rudnick Gray Cary US LLP
Attorneys for Defendant
UNITED PARCEL SERVICE, INC.,
1252 Avenue of the Americas
New York, NY 10020-1104
212-835-6000

Jonathan E. Roberts
Talkin, Muccigrosso & Roberts, LLP
Attorney for Plaintiff
RON FELDMAN
40 Exchange Place, Suite 1800
New York, NY 10005

Dated: May 16, 2006

Sworn to before me this
16th day of May 2006



DAISY QUINONES

NOTARY PUBLIC

PETER S. GORDON
NOTARY PUBLIC STATE OF NEW YORK
NO. 41-4960394
QUALIFIED IN QUEENS COUNTY
COMMISSION EXPIRES DECEMBER 26, 2009